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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,550	02/02/2001	Toshiaki Nakano	P107156-00051	8044

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EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,550

Applicant(s)

NAKANO ET AL.

Examiner

LINH BLACK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response the documents dated 7/21/06. Claims 5 and 9 are pending in the application. Claim 9 is the independent claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al. (US 5991739), Herman et al. (US 6341353), and further in view of Shimakawa et al. (US 6055536).

As per claim 9, Cupps et al. teach

a retrieval site – fig. 1, item 106 ; col. 2, lines 19-38 and 50-61.

a shop site – fig. 1, items 108; col. 2, lines 36-38; col. 7, lines 34-38; col. 12, lines 7-10

(A modern connection can be established which will enable communication between the

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online ordering machine and the vendor through the Internet thereby allowing email communication, web communication, and the like.)

a map database site each connected to a computer network – fig. 2, item 130 and figs. 4-5; col. 5, lines 5-8; col. 6, line 19 to col. 7, line 33.

said retrieval site comprising a retrieval server, and a retrieval database storing data of genres of handled merchandises and service providing areas of registered shops – col. 8, lines 64-67.

said shop site comprising a shop server, – fig. 13, item 330; col. 2, lines 36-37.

The Microsoft Computer Dictionary Fourth Edition defined server as “On the Internet or other networks, **a computer or program that responds to commands from a client**. For example, a file server may contain an archive of data or program files; when a client submits a request for a file, the server transfers a copy of the file to the client.” In addition, figure 3 of the Applicants shows “a shop site” as a “fast-food delivery site”. The examiner interprets a shop site is a vendor/restaurant site with a computer or program that responds to communication from the ordering machine 106 in which orders are initiated by the client 102.

wherein said retrieval server of said retrieval site retrieves shops whose genres of handled merchandises from said retrieval database correspond to a desired merchandise genre entered at an information terminal connected to said retrieval site and whose service providing area from said retrieval database includes a destination

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entered at the information terminal connected to said retrieval site – fig. 1, item 106; fig. 2, item 106, 114 and 116; col. 2, lines 36-61; col. 9, line 47 to col. 10, lines 56.

Cupps et al. do not explicitly disclose a merchandise information database storing service request data of the shops. The examiner finds that it is not novel in the art that a business or a restaurant or a vendor's system or site to have its own database for storing service requests data. Herman et al. teach merchant site with merchant web server and merchant's database – fig. 19; an order record which is stored in a database on a trusted agent server – col. 1, lines 49-62; a merchandise information database storing service request data of the shops – col. 43, lines 4-67; ordering of products – col. 26, line 38 to col. 27, line 18. Cupps et al. teach: "The online ordering machine categorizes the location of each participating restaurant by a set of longitude and latitude coordinates. Each customer's delivery location is also categorized by a set of longitude and latitude coordinates. The online ordering machine searches for those restaurants whose delivery area lies within the customer's location based on the restaurant's and customer's longitude and latitude coordinates. Likewise, the online ordering machine searches for those restaurants having takeout service within the customer's location based on the restaurant's and customer's longitude and latitude coordinates" – col. 2, lines 50-61; geocode database – fig. 2, item 130; col. 6, line 19 to col. 7, line 33. However, Cupps and Herman et al. do not explicitly suggest displays a map image on which the destination and retrieved shops are respectively indicated with landmarks. Shrimakawa et al. teach the information retrieval system 1 retrieves

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information of various types from the virtual world and delivers the information to the real world – col. 3, lines 3-7; mapping database – col. 4, lines 5-29; col. 7, line 18 to col. 8, line 65; figs. 7-13. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cupps, Herman, and Shrimakawa et al. to allow users or customers to easily and quickly locate and purchase desired products or services on line thus help businesses grow faster.

As per claim 5, Cupps et al. teach wherein said retrieval site further includes a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve a list of shops capable of providing the service and said service request data based on the retrieved user information – col. 9, lines 48-65; figs. 12a-b and 13 item 336 (repeat customer and updating database).

Response to Arguments

Applicant's arguments with respect to claims 5 and 9 have been considered but are not persuasive. Cupps teaches an order database 128 that includes information on each of the customers, **vendors, and received orders** – col. 5, line 3 to col. 6, line 16; map a geographic location into a geocode – claim 16. Shimakawa further teaches mapping database 12 and displaying of a map image of a retrieved destination shop – fig. 13 and the cited columns and lines above. For the motivation to combine that the Applicants cited on page 5, first paragraph of the response, is reasonable for one of

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ordinary skill in the art at the time of the invention to understand that the combination of the above teachings would provides better services and information to users.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

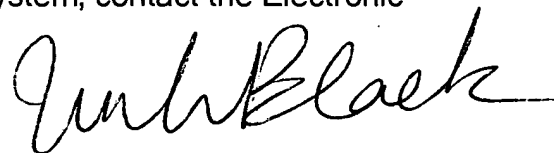
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2163

October 13, 2006

Leslie Wong
Primary Examiner